LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

54111 BROUGHTON ROAD

MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR

MICHAEL D. KOEHS, CLERK MARIE MALBURG, TREASURER DINO F. BUCCI, JR, TRUSTEE JANET DUNN, TRUSTEE

ROGER KRZEMINSKI, TRUSTEE NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel

Jerome Schmeiser, Planning Consultant James VanTiflin, Engineering Consultant

(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

Clerk KOEHS called the roll and the Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and items 9, 10, 11 and 15 were tabled to the meeting of March 14, 2007, and items 30A and 35 were added.

MOTION by DUNN seconded by NEVERS to approve the agenda as amended.

MOTION carried.

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by NEVERS seconded by KRZEMINSKI to approve both bill runs as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on February 14, 2007 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by DUNN seconded by MALBURG to approve the minutes of the meeting of February 14, 2007 as presented.

MOTION carried.

5. Consent Agenda Items:

- A. Clerk's Department:
 - 1. Request for Demolition Bond Return; 47013 Burning Tree, Section 26.
- B. Human Resources Department
 - 1. Request for Intermittent Family Medical Leave of Absence.
- C. Water and Sewer Department
 - 1.

 Easement Encroachment Agreement, Averhill Development II, LLC.

Supervisor BRENNAN reviewed the Consent Agenda and how it works, and asked if there were any items on the Consent Agenda that any Board member would want removed for later action. There were none.

MOTION by KRZEMINSKI seconded by MALBURG to approve the Consent Agenda as presented.

MOTION carried.

6. Public Comments -

Mr. Edward Gallagher spoke regarding item 13, the Traditional Neighborhood Development code.

Mr. Don Stark spoke regarding item 11 and indicated that as the property owner he did not wish to proceed with this matter any longer.

Mr. Patrick Meagher, representing the petitioner on items 9, 10 and 11, stated that he could agree to the tabling of item 11, but he wanted items 9 and 10 to be discussed tonight.

MOTION by DUNN seconded by KRZEMINSKI to restore items 9 and 10 to the agenda for deliberation.

MOTION carried.

PLANNING

7. Final Plan for Lakeside Industrial; Located on the east side of Hayes Road, approximately 1,000 feet south of 23 Mile Road; Boulder Construction, Petitioner. Permanent Parcel No. 08-19-300-013. (Tabled from 1-10-07 & 1-22-07 Board Meetings)

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

Mr. Eric Lacina, representing the petitioner, was present to answer any questions the board might have.

MOTION by BUCCI seconded by KRZEMINSKI to approve the Final Plan for Lakeside Industrial; Permanent Parcel No. 08-19-300-013 conditioned upon the payment of all engineering fees.

MOTION carried.

8. Revised Preliminary Plan; The Bluffs at Riverside Condominiums; 115 units; Located on the west side of North Avenue, south of 23 Mile road; L & M Macomb, LLC, Petitioner; Permanent Parcel Number 08-23-251-003.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and indicated that the Planning Commission was recommending approval. He further stated his own recommendation for approval.

Mr. Greg Windingland, representing the petitioner, was present to answer any questions the board might have.

MOTION by DUNN seconded by NEVERS to approve the Revised Preliminary Plan; The Bluffs at Riverside Condominiums; 115 units; Petitioner; Permanent Parcel Number 08-23-251-003.

MOTION carried.

9. Request for Parcel Rezoning; Residential, One Family Urban (R-1) to Office Low Rise (O-1); Located on the northwest corner of 25 Mile Road and Romeo Plank Road; Section 6, Permanent Parcel Number 08-06-476-003.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for denial because it doesn't meet the goals of the master plan and the rezoning would create a nonconforming parcel because there is currently a house on the property.

Mr. Patrick Meagher, representing the petitioner, was present to answer any questions the board might have.

MOTION by KRZEMINSKI seconded by BUCCI to table this matter to the Board meeting of March 14, 2007.

MOTION carried.

10. Request for Parcel Rezoning; Residential, One Family Urban (R-1) to Office Low Rise (O-1); Located on the northwest corner of 25 Mile Road and Romeo Plank Road; Section 6, Permanent Parcel Number 08-06-476-004.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for denial because it doesn't meet the goals of the master plan and the rezoning would create a nonconforming parcel because there is currently a house on the property.

Mr. Patrick Meagher, representing the petitioner, was present to answer any questions the board might have.

MOTION by KRZEMINSKI seconded by BUCCI to table this matter to the Board meeting of March 14, 2007.

MOTION carried.

11. Request for Parcel Rezoning; Residential, One Family Urban (R-1) to Office Low Rise (O-1); Located on the northwest corner of 25 Mile Road and Romeo Plank Road; Section 6, Permanent Parcel Number 08-06-476-012.

(This matter was tabled to the meeting of March 14, 2007)

12. Request to Alter Grade; Randazzo's Nursery, Located on the west side of Romeo Plank Road, south of 25 Mile Road. Permanent Parcel Number 08-08-151-029.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter and stated his recommendation for approval.

There was no one present representing the petitioner to answer the Boards questions.

MOTION by KOEHS seconded by KRZEMINSKI to table this matter to the Board meeting of March 14, 2007.

MOTION carried.

13. Recommendation from the Town Center Committee: a) to permit three car garages in the Macomb Town Center Area, Phase 1, b) Building Setbacks, Phase 1, and c) a Temporary Sales Trailer.

These three items were reviewed by Mr. Jerome Schmeiser and Clerk KOEHS who informed the Board that the Town Center Committee was recommending approval on all three items.

Mr. James Grosser. representing the petitioner, was present to answer any questions the board might have.

MOTION by BUCCI seconded by KRZEMINSKI to grant a variance and allow three car garages in Phase One of Macomb Town Center South on those sites where they would be compatible.

AYES: BUCCI, KRZEMINSKI, NEVERS, DUNN, MALBUREG, KOEHS,

BRENNAN.

NAYS: NONE

MOTION carried.

MOTION by KRZEMINSKI seconded by DUNN to grant a variance and allow for setbacks other that those called for at sites where the curvature of the roadway prevents compliance in Phase One of the Macomb Town Center South development.

AYES: KRZEMINSKI, DUNN, NEVERS, BUCCI, MALBURG, KOEHS,

BRENNAN.

NAYS: NONE

MOTION carried.

MOTION by DUNN seconded by MALBURG to approve the use of a sales trailer in the Macomb Town Center South development for a period of one year ending on February 28, 2008.

MOTION carried.

OLD BUSINESS

14. Request for a Temporary Certificate of Occupancy; Heydenreich Retail Center Unit 3; Located on the northeast corner of Hall Road and Heydenreich Road; Section 34; Permanent Parcel No. 08-34-351-003.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this matter along with Mr. James VanTiflin, Engineering Consultant, and stated their recommendation for approval for the addresses of 20759 and 20761 Hall Road, and not for the entire Unit Three. The Building official also agreed with this recommendation.

Mr. Thomas Elkin and Mr. Robert Asmar, representing the petitioner, were present to answer any questions the board might have. They indicated that they also wanted approval for a temporary Certificate of Occupancy at the Arby's Restaurant in the same building.

MOTION by KOEHS seconded by BUCCI to approve the request for a Temporary Certificate of Occupancy; Section 34; Permanent Parcel No. 08-34-351-003 for addresses 20759 and 20761 Hall Road only.

MOTION carried.

15. Review of Single Waste Hauler Contract.

(This matter was tabled to the meeting of March 14, 2007)

16. Request to Adopt the Revised CPI Number for Computing Engineering Plan Review Fees. (Tabled from 1-22-07 Board Meeting)

Mr. James VanTiflin, Engineering Consultant, reviewed this matter and explained the process used to arrive at the suggested CPI Number. He further stated his recommendation for approval of setting the number at 595.10 for this year.

MOTION by DUNN seconded by KOEHS to Adopt the Revised CPI Number for Computing Engineering Plan Review Fees and set it at 595.10 for 2007.

MOTION carried.

17. Request to Approve the new Engineering Hourly Rate Schedule for 2007. (Tabled from 1-22-07 Board Meeting)

Mr. James VanTiflin, Engineering Consultant, reviewed this matter and explained his request to increase the current fee by 3.3%.

MOTION by KRZEMINSKI seconded by BUCCI to approve the Engineering fee increase at 3.3 per cent for 2007.

MOTION carried.

NEW BUSINESS

18. Variance Request; Land Development and Water & Sewer Ordinance; Mobil Car Wash Addition, located on the northwest corner of 23 Mile Road and North Ave, Section 14, SDA Review No. MA98-105.

Mr. James VanTiflin, Engineering Consultant, reviewed this matter and stated that the proposed extension of the sanitary sewer along the North Avenue portion of this parcel was required by ordinance. He further stated his recommendation for denial.

Alan Harajli, representing the petitioner, was present to answer any questions the board might have.

MOTION by NEVERS seconded by BUCCI to deny the variance request from the Land Development and Water & Sewer Ordinance at the Mobil Car Wash Addition, located on the northwest corner of 23 Mile Road and North Ave, Section 14, SDA Review No. MA98-105.

MOTION carried.

19. Request to Adopt a Proclamation for the 125th Anniversary of the Founding of St. Peter Lutheran Church.

Clerk KOEHS reviewed this proclamation and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by DUNN to adopt the Proclamation honoring the 125th Anniversary of the Founding of St. Peter Lutheran Church.

MOTION carried.

20. Request Authorization for Legal Counsel to Review the Township's current Comcast Franchise Agreement.

Supervisor BRENNAN reviewed this matter and stated his recommendation for approval.

MOTION by KOEHS seconded by BUCCI to authorize Legal Counsel to review the Township's current Comcast Franchise Agreement.

MOTION carried.

BUILDING DEPARTMENT

21. Request for Inspectors to Attend Spring Conferences.

Mr. Bob Beckett, Building Official, reviewed this matter regarding training for his Building Inspectors, and stated his recommendation for approval.

MOTION by DUNN seconded by KRZEMINSKI to approve the training request from the Building Department as presented.

MOTION carried.

FIRE DEPARTMENT

22. Request to Purchase File Cabinets.

Chief Robert Phillips reviewed this matter and stated his recommendation for this purchase be awarded to Innovative Corporate Interiors in the amount of one thousand eight hundred thirty four dollars and eighty cents (\$1,834.80).

MOTION by KOEHS seconded by MALBURG to approve the purchase of the three file cabinets from Innovative Corporate Interiors in the amount of one thousand eight hundred thirty four dollars and eighty cents (\$1,834.80).

MOTION carried.

WATER AND SEWER DEPARTMENT

23. Pay Certificate # 6, 23 Mile Road Watermain (The Rivers Estates to the North Branch of the Clinton River), Pamar Enterprises, MA04-013.

Mr, David Koss reviewed this matter and stated this project was completed and further stated his recommendation for approval.

MOTION by DUNN seconded by MALBURG to approve Pay Certificate # 6 for the 23 Mile Road Water Main (The Rivers Estates to the North Branch of the Clinton River), Pamar Enterprises, MA04-013.

MOTION carried.

24. Thange Order # 4, 23 Mile Road Watermain, (23 Mile Road Water and Sewer Replacement), Pamar Enterprises, MA02-007, MA02-022.

Mr. David Koss, reviewed this matter and stated that this amounts to a nine hundred dollar decrease in the cost of the project, and he further stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by KOEHS to approve Change Order # 4 for the 23 Mile Road Water Main, (23 Mile Road Water and Sewer Replacement), Pamar Enterprises, MA02-007, MA02-022.

MOTION carried.

25. Pay Certificate # 9 (Final), 23 Mile Road Watermain, (23 Mile Road Water and Sewer Replacement), Pamar Enterprises, MA02-007, MA02-022.

Mr. David Koss, reviewed this matter and stated this is the final payment for this project, and he further stated his recommendation for approval.

MOTION by KOEHS seconded by DUNN to approve Pay Certificate # 9 for the 23 Mile Road Water Main, (23 Mile Road Water and Sewer Replacement), Pamar Enterprises, MA02-007, MA02-022.

MOTION carried.

26. Pay Certificate # 2 (Final), 24 Mile Road Sanitary Sewer (Future Broughton Rd, East 600'), C & P Construction Company Inc., MA03-031.

Mr. David Koss, reviewed this matter and stated this is the final payment for this project, and he further stated his recommendation for approval.

MOTION by DUNN seconded by MALBURG to approve Pay Certificate # 2 (Final), 24 Mile Road Sanitary Sewer (Future Broughton Rd, East 600'), C & P Construction Company Inc., MA03-031.

MOTION carried.

27. Pay Certificate # 10 (Final), 23 Mile Road Sanitary Sewer (North Ave. West 1,800'), L. D'Agostini & Sons, Inc., MA03-015.

Mr. David Koss, reviewed this matter and stated this is the final payment for this project, and he further stated his recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to approve Pay Certificate # 10 (Final), 23 Mile Road Sanitary Sewer (North Ave. West 1,800'), L. D'Agostini & Sons, Inc., MA03-015.

MOTION carried.

28. Annual Storm Water Discharge Permit Fee, DEQ.

Mr. David Koss, reviewed this matter and stated his recommendation for approval.

MOTION by KOEHS seconded by MALBURG to pay the Annual Storm Water Discharge Permit Fee from the Michigan State Department of Environmental Quality in the amount of four thousand dollars (\$4,000.00).

MOTION carried.

- 29. Purchase Requisitions
 - A) East Jordan Iron Works, Inc.

Mr. David Koss, reviewed this matter and stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the purchase requisition for East Jordan Iron Works in the amount of one thousand five hundred ninety one dollars and ninety six cents (\$1,591.96).

MOTION carried.

B) Northern Concrete Pipe, Inc.

Mr. David Koss, reviewed this matter and stated his recommendation for approval.

MOTION by DUNN seconded by KRZEMINSKI to approve the purchase requisition for Northern Concrete Pipe in the amount of two thousand five hundred eighty five dollars (\$2,585.00).

MOTION carried.

BOARD COMMENTS

30. Supervisor Comments:

Supervisor BRENNAN informed the Board that the Road Commission of Macomb County was asking for our approval to participate in several road projects. Several projects were discussed, including the resurfacing of Tilch Road, the resurfacing of 23 Mile Road west of Fairchild and the widening of several other roads. He also indicated that the RCMC wants Macomb Township to pay a sizeable portion of the widening projects.

MOTION by KRZEMINSKI seconded by BUCCI to approve Macomb Township's participation in the resurfacing of Tilch Road.

MOTION carried.

MOTION by KRZEMISNKI seconded by DUNN to approve Macomb Township's participation in the resurfacing of 23 Mile Road west of Fairchild Road.

MOTION carried.

No action was taken on any of the road widening projects.

31. Clerk Comments:

A) Resolution of Congratulations – Utica Community Schools

Clerk KOEHS reviewed this resolution of congratulations for Utica Community Schools on achieving Blue Ribbon status for seven of their schools. He further stated his recommendation for approval.

MOTION by DUNN seconded by KRZEMINSKI to adopt the resolution of congratulations for the Utica Community Schools.

MOTION carried unanimously.

B) Resolution for Career Focus Day – Utica Community Schools

Clerk KOEHS reviewed this resolution honoring the Utica Community Schools and their participation in the Career Focus Day designed to give students an opportunity to consider various careers. He further stated his recommendation for approval.

MOTION by DUNN seconded by KRZEMINSKI to adopt the resolution honoring Career Focus Day in the Utica Community Schools.

MOTION carried.

32. Treasurer Comments: None

33. Trustees Comments: None

EXECUTIVE SESSION

MOTION by BUCCI seconded by KOEHS to retire to Executive Session at 8:28 p.m.

MOTION carried.

The Board returned from Executive Session at 8:35 p.m.

34. Tarrie Meyer vs. Macomb Township

MOTION by KOEHS seconded by NEVERS to provide legal defense and indemnification in the matter of Carrie Meyer vs. Macomb Township.

MOTION carried.

35. Consumers Energy vs. Macomb Township

MOTION by KOEHS seconded by DUNN to authorize legal counsel to sign the proposed settlement in the tax tribunal matter of Consumers energy vs. Macomb Township.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the Board meeting at 8:37 p.m.

MOTION carried.

Respectfully submitted,
John D. Brennan Macomb Township Supervisor
Michael D. Koehs, CMC Macomb Township Clerk